

ORDINANCE NO. 1815

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI AMENDING LODI MUNICIPAL CODE
CHAPTER 13.16 – SOLID WASTE – BY REPEALING
AND REENACTING SECTION 13.16.010, "DEFINITIONS"

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 13.16 – Solid Waste – is hereby amended by repealing and reenacting Section 13.16.010, "Definitions," and shall read as follows:

13.16.010 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, the following definitions apply:

- A. "Collection" means the act of collecting refuse at the place of waste generation by an approved collection agent (public or private) and is distinguished from "removal."
- B. "Collection vehicle or equipment" means and includes any vehicle or equipment used in the collection of residential refuse or commercial or industrial solid wastes.
- C. "Commercial customers" means all commercial (non-manufacturing) enterprises within the city limits except industrial customers.
- D. "Construction/Demolition waste" means used or discarded materials generated within the city limits during the construction, remodeling, renovation, or demolition on residential and commercial buildings and any other structure or pavement.
- E. "Container service" means the type of refuse removal consisting of containers ranging from one cubic yard to fifty cubic yards, typically for large volume refuse generators.
- F. "Contract" means the written agreement covering the performance of the work, including, but not limited to, the formal agreement, and special provisions, affidavits and certificates of equal opportunity employment, certificate of worker's compensation insurance, the proposal, contract specifications, and performance bond.
- G. "Contractor" means the individual, partnership, corporation, joint venture or other legal entity entering into a contract with the city to perform the work. When modified by the phrase "as constituted," it means the partnership, corporation, or other legal entity as organized and existing, with the same majority shareholders, as determined at the time of the execution of a contract between the contractor and the city.
- H. "Disposal site" means and includes the place, location, tract of land, area, or premises in use, intended to be used, or which has been used for the landfill disposal of solid wastes.

- I. "Garden (green) waste" means refuse consisting of grass, leaves, wood chips, green plants, weeds, tree branches, and garden trimmings.
- J. "Industrial customer" means all manufacturing enterprises who generate industrial waste within the city limits except commercial customers. The city manager or other designee shall determine whether a customer is "industrial" or "commercial."
- K. "Industrial waste" means solid waste originating from manufacturing facilities and factories within the city limits including construction and demolition projects. Industrial waste also means solid waste produced by any person, firm, or corporation primarily engaged in the business of processing and manufacturing for the purpose of wholesale.
- L. "Multi-cart service" means the type of refuse removal designed for source separating into three carts. One cart for non-recyclable materials and non-green waste, one cart for recyclable materials, and one cart for green waste. This type of service is generally for lower volume refuse generators with carts of less than one hundred gallons.
- M. "Recycling" means the process by which salvaged materials become usable products.
- N. "Refuse" means any and all discarded items and substances of every kind, including salvageable or recyclable materials, and garden (green) wastes, but not including sewage, septic tank contents, infectious wastes, or hazardous wastes as defined by state and/or federal law.
- O. "Removal" means the act of taking solid wastes from the place of waste generation either by an approved collection agent or by a person in control of the premises.
- P. "Residential customer" means all residences within the city limits, including single-family and multi-family dwellings.
- Q. "Subcontractor" means the individual, partnership, or corporation or other legal entity entering into a contract with the contractor to perform a portion of the work.
- R. "Transfer station/resource recovery facility" means and includes those facilities utilized to receive solid wastes, temporarily store, separate, convert or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport to their final place of disposition.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. In the event that any portion of this Ordinance is determined to be invalid or illegal then the entire Ordinance will be repealed and reenacted back to its form prior to September 21, 2005.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 20th day of August, 2008


JOANNE MOUNCE
Mayor

Attest:


RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1815 was introduced at a regular meeting of the City Council of the City of Lodi held August 6, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held August 20, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson,
Katzakian, and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1815 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.


RANDI JOHL
City Clerk

Approved as to Form


D. STEPHEN SCHWABAUER
City Attorney